

REMARKS/ARGUMENTS

I. INTRODUCTION

New claim 12 has been added. Accordingly, claims 1, 3-7 and 12 are presently pending and under consideration. Reexamination and reconsideration is hereby respectfully requested.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1, and 3-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Krokstad et al, US Patent 5276739 in view of Ozawa, US Patent Pub. 20050063553, and further in view of Eid et al, US Patent 7606376. Applicant respectfully traverses the rejection.

Krokstad disclose generally a hearing aid employing two microphones (M1, M2—*See the Abstract*). However, as stated in the Office Action, Krokstad fail to disclose the steps (a) and (b) of claim 1, and thus Ozawa and Eid are further cited as secondary references.

In this regard, claim 1 recites, in-part, “ (a) determining short term energy between the first and second microphones”. Ozawa cannot meet this recitation.

Ozawa, while disclosing an apparatus for “vibration-dependent noise reduction” (see Abstract), does not teach determining short term energy between the first and second microphones.

At most, Ozawa disclose a sensor 2, which is described as a device for obtaining an electrical signal in proportion to a mechanical vibration (paragraph [0059]). The output of sensor 2, after going through an amplifier 4, is processed by a noise extraction means 6. The noise extraction means (Fig. 1) is described as comprising “an LPF (Low Pass Filter) and/or a BPF (Band Pass Filter) and extracts a bandwidth section of the vibration noises which concentrate at relatively lower zones in the audio bandwidth.” (paragraph [0057]). The output of the noise extraction means 6 is provided to an adaptive filter (LMS) 7 as the reference input signal (see Abstract). An adder 8, which receives an audio signal along with the output of the adaptive filter, is disclosed as subtracting the output signal of the adaptive filter from the output signal of the microphone (see Abstract). The output of the microphone 1 is fed through an amplifier 3 and delay unit 5 and thence provided to the adder 8. Neither leg of the circuit of

Fig. 1 of Ozawa is described as determining the short term energy, nor is the circuit as a whole described as determining the short term energy between the first and second microphones. For at least these reasons, neither Krokstad nor Ozawa, alone or in combination, disclose “determining short term energy between the first and second microphones” as claimed.

Eid et al. does not cure the deficiencies of either Krokstad or Ozawa. Accordingly, none of the references, alone or in combination, can meet claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection.

Short term energy. Applicant makes reference to the Office action, which states that “short term energy is created when the microphone device is being touched because the microphone device is not touched continuously”. Applicant understands the Office to be describing a touching event; however, even assuming for the purpose of argument only that a touching event creates short term energy, this does not establish that the apparatus of Ozawa can determine short term energy (*e.g.*, in either leg in the circuit of Fig. 1 associated with elements 1 or 2), much less determine short term energy between elements 1 and 2. Applicant has carefully reviewed the Ozawa reference and does not find any description of such functionality nor is it apparent what structures could serve to perform such function (nor has the Office pointed to particular structures in Ozawa). This is particularly true in light of the various filtering functionality described in connection with noise extraction means 6 and adaptive filter 7, none of which is disclosed as determining short term energy. For at least these reasons, the Ozawa reference does not teach or suggest determining short term energy between the first and second microphones.

Claims 3-7 depend from claim 1, either directly or indirectly, and thus include all the limitations thereof. Thus, for at least the same reasons as given for claim 1, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

III. NEW CLAIM 12

New claim 12 has been added. Support may be found throughout the application as originally filed, including page 4, lines 24-30, and Figure 1. No new matter has been introduced by this amendment.

IV. CONCLUSION

All presently pending claims are now believed allowable. If the Examiner has any questions or concerns, the Examiner is invited to contact Applicant's undersigned attorney. To the extent that any additional fees are due, please charge our Deposit Account No. 04-2223 (under order 66,722-087).

Respectfully submitted,

Date: February 25, 2011

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